

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KAREN FIALKA,

Plaintiff,

CASE NO. 14-CV-12147

HONORABLE GEORGE CARAM STEEH

v.

US BANK/US BANK N.A. SAIL 2006-4,  
WELLS FARGO HOME LENDING, and  
AMERICAN SERVICING COMPANY,

Defendants.

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ORDER DENYING PLAINTIFF'S OBJECTION AND  
MOTION TO VACATE ORDER OF DISMISSAL (DOC. #16)

On October 21, 2014, the court filed an opinion and order dismissing *pro se* plaintiff Karen Fialka's complaint seeking damages for alleged improprieties in the completed foreclosure sale of her residential home. Although Fialka's response to defendants' motion to dismiss was due on October 3, 2014, the court did not receive her response until October 21, 2014, after the court filed the opinion and order dismissing her complaint. This matter is now before the court on Fialka's objection and motion to vacate the order. Fialka argues that her due process rights were violated apparently because the court filed its opinion and order without considering Fialka's response.

The court's opinion and order analyzed Fialka's claims on the merits. The fact that she did not file a response to defendants' motion did not play a role in the court's decision. Nor does Fialka's late response add anything to the analysis. Fialka's response simply recites the standard of review for considering motions to dismiss under Rule 12(b)(6) of the

Federal Rules of Civil Procedure. For the reasons explained in the court's opinion and order, Fialka failed to state a claim upon which relief can be granted. Her objection and motion to vacate the order of dismissal is, therefore, DENIED.

IT IS SO ORDERED.

Dated: November 18, 2014

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 18, 2014, by electronic and/or ordinary mail and also on Karen Fialka, 29478 Juneau Lane, Farmington Hills, MI 48336.

s/Barbara Radke  
Deputy Clerk